

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 93-162

(RESCINDING PORTIONS OF ORDERS 92-037 AND 92-086 PERTAINING TO
DISCHARGERS AND TASKS)

SITE CLEANUP REQUIREMENTS FOR:

2005, 2017, 2025, 2065 BAY ROAD OPERABLE UNIT (BAW-OU)
RAVENSWOOD INDUSTRIAL AREA,
EAST PALO ALTO
SAN MATEO COUNTY

PRIMARY DISCHARGERS:

- 1) Lauren Boscacci;
- 2) Lauren Boscacci, doing business as the companies named as dischargers in this Order;
- 3) Nancy Boscacci;
- 4) Nancy Boscacci, doing business as the companies named as dischargers in this Order;
- 5) Anthony Boscacci;
- 6) Anthony Boscacci, doing business as the companies named as dischargers in this Order;
- 7) United Auto Wreckers;
- 8) Bay Area Auto Dismantlers;
- 9) Bay Area Auto Wreckers;
- 10) Bay Area Auto Wrecking or Bay Area Auto Wrecking, Inc.;
- 11) Bay Area Auto Wrecking Company or Bay Area Auto Wrecking Company, Inc.;
- 12) Bay Area Towing or Bay Area Towing Company;
- 13) Bay Area Towing and Wrecking Company or Bay Area Towing and Wrecking Company, Inc.;
- 14) Bay Area Marine Salvage and Dismantling;
- 15) ABC Auto Wrecking;
- 16) ABC Imported Parts or ABC Imported Parts Bay Area Foreign

SECONDARY DISCHARGER:

Michael Demeter

The California Regional Water Quality Control Board, San Francisco Bay Region
(hereinafter called the Board) finds that:

1. SITE DESCRIPTION The Ravenswood Industrial Area (herein after called the Site) in the City of East Palo Alto, consists of numerous privately owned parcels or properties which are located adjacent to wetlands along the western margin of San

San Francisco Bay (Figure 1). These properties consist generally of agricultural, manufacturing, auto wreckers, and storage facilities. The site area has been used for agricultural and industrial purposes for at least the past 60 years.

- 1.1 OPERABLE UNIT DESIGNATION The Site has been divided into Operable Units (OUs) in order to expedite investigation and cleanup and to more accurately determine responsible parties. OUs may consist of single parcels, groups of parcels or portions of parcels which have similar uses, ownership or pollution.
- 1.2 OPERABLE UNIT DESCRIPTION The 2005, 2017, 2025, 2065 Bay Road OU (BAW-OU), which is addressed by this Order, consists of an approximate 4.5 acre parcel (Figure 2). It is currently the place of business of Bay Area Auto Towing and Auto Wrecking and related entities. BAW-OU operations include auto storage, dismantling and repair.
2. OPERABLE UNIT HISTORY The BAW-OU is currently owned by Michael Demeter (Demeter) who leases the property to Lauren Boscacci (Boscacci). Boscacci and his family operate BAW-OU and related entities (see 4.1).
- 2.1 CHEMICAL HANDLING AND DISCHARGES Chemical handling practices include draining of all vehicle fluids. Poor handling practices have resulted in discharge of petroleum products directly onto the unpaved surface of the facility as documented by soil staining visible on air photos.
- 2.2 FILLING ACTIVITIES Recently clean fill has been imported and spread over the property, covering the areas of obvious oil staining. In addition, chemical handling practices have been improved. Engines are now piled within secondary containment and no longer directly on the unpaved ground.
3. INVESTIGATIONS Pursuant to the requirements of Site Cleanup Requirements (SCR) Orders 92-037 and 92-086, a site and chemical use history report and workplan for additional investigation was submitted to the Board by Demeter. These reports summarize previous investigatory work performed on the property.
- 3.1 SOIL Analytical results presented in the May 1992, Limited Phase I and Phase II Site Assessment Report detected elevated levels of total oil and grease (TOG) in several areas on the property. Six borings in areas of high intensity wrecking detected TOG at concentrations up to 27,000 mg/kg.
- 3.2 GROUNDWATER Shallow groundwater at the OU is impacted with total petroleum hydrocarbon in the diesel range (TPH-D) at concentrations up to 227 ug/l. Further groundwater investigation is necessary to fully evaluate impacts.
4. REGULATORY HISTORY On April 15, 1992, the California Regional Water Quality Control Board, San Francisco Bay Region, adopted SCR Order 92-037 for

several parcels in the Ravenswood Industrial Area. These parcels comprise about 70 percent of the total acreage. SCR Order 92-037 was later amended by SCR Order 92-086 to include all other properties located in the Ravenswood Industrial Area. The SCR Orders contain tasks required to evaluate if soil and or groundwater pollution has occurred by past or present Site use activities. The Orders named each of the individual property owners as dischargers because of their current ownership of the Site properties and required they comply with all requirements for their individual parcels. Demeter was named as a discharger of the BAW-OU and was required to submit a site and chemical use history and workplan for investigation. Demeter has submitted both of these reports as well as the May 1992 limited Phase I and Phase II Site Assessment prepared by Mittlehauser Corporation.

- 4.1 DISCHARGERS The persons (Lauren Boscacci, Nancy Boscacci and Anthony Boscacci) having operated the property and having done business as the companies listed below during the period when discharges occurred are named as primary dischargers. The companies (United Auto Wreckers; Bay Area Auto Dismantlers; Bay Area Auto Wreckers; Bay Area Auto Wrecking or Bay Area Auto Wrecking, Inc.; Bay Area Auto Wrecking Company or Bay Area Auto Wrecking Company, Inc.; Bay Area Towing or Bay Area Towing Company; Bay Area Towing and Wrecking Company or Bay Area Towing and Wrecking Company, Inc.; Bay Area Marine Salvage and Dismantling; ABC Auto Wrecking; ABC Imported Parts or ABC Imported Parts Bay Area Foreign) having operated on the property during the period when discharges occurred are named as primary dischargers.

Michael Demeter, the owner of the property is named as a secondary discharger based on his ownership of the property and shall be responsible for compliance with the requirements of this Order in the case where the primary dischargers fail to comply.

5. RATIONALE FOR ORDER The Board, pursuant to SCR Orders 92-037 and 92-086, is initiating a sub-regional cleanup of the Ravenswood Industrial Area to address soil and groundwater pollution that pose a threat to surface and groundwater in the Bay margin area of East Palo Alto and also represent potential sources of delay to Board regulation of cleanup on adjacent sites. Soil pollution has been confirmed by sampling at the BAW-OU. Chemicals detected in soil and groundwater are related to automotive dismantling activities. Investigation and remediation are necessary to protect human health and the environment.
6. SCOPE OF ORDER This Order shall rescind portions of Orders 92-037 and 92-086 relating to dischargers and tasks. This Order names operators of the BAW-OU as the primary discharger of pollutants based on their operations which have impacted the property. The Order also names the property owner Michael Demeter as a secondary discharger based on his ownership of the property. This Order shall set forth a revised task and time schedule to propose and implement interim remedial measure for soil and propose further investigation necessary to define the lateral and vertical

extent of groundwater pollution as well as to propose remedial measure for groundwater.

7. COST RECOVERY The dischargers have been advised that the Regional Board intends to enter into cost recovery pursuant to Section 13304 of the California Water Code. This will entitle the Board to seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of wastes and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. The Industrial Property Owners Association, DBA Industrial Development Employment Association (IDEA) is the contact for cost recovery billing by the State Water Resources Control Board. IDEA is a privately held corporation for area redevelopment whose membership includes Demeter and the other dischargers named in SCR Order 92-037.

BASIN PLAN

8. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986. The Basin Plan contains water quality objectives and beneficial uses for South San Francisco Bay and contiguous surface and groundwater.
9. The existing and potential beneficial uses of the groundwater underlying and in the vicinity of the site include:
 - a. Industrial process water supply
 - b. Industrial service water supply
 - c. Municipal and Domestic water supply
 - d. Agricultural water supply
10. The existing and potential beneficial uses of the surface waters (San Francisco Bay and San Francisquito Creek) and wetland include:
 - a. Contact and non-contact water recreation
 - b. Warm and cold fresh water habitat
 - c. Fish migration and spawning
 - d. Commercial and sport fishing
 - f. Preservation of rare and endangered species
 - g. Estuarine habitat
 - h. Wildlife habitat
 - i. Salt marsh habitat
 - j. Navigation
 - k. Shellfish harvesting
 - l. Industrial service supply

11. The primary dischargers have caused or permitted, and threaten to cause or permit, waste to be discharged or deposited where it is or probably will be discharged to waters of the State and create or threaten to create a condition of pollution or nuisance as defined in Section 13050(m) of the California Water Code.

CEQA

12. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

NOTIFICATIONS

13. The Board has notified the dischargers and interested agencies and persons of its intent under California Water Code Section 13304 to prescribe Site Cleanup Requirements for the discharge and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
14. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers, their agents, successors and assigns, shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

1. The discharge of wastes or hazardous materials in a manner which will degrade water quality or adversely affect the beneficial uses of the waters of the State, is prohibited.
2. Significant migration of pollutants through surface or subsurface transport to waters of the State, is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of pollutants, are prohibited.
4. The storage, handling treatment or disposal of soil or groundwater containing pollutants shall not create a nuisance as defined in Section 13050(m) of the California Water Code.

B. SPECIFICATIONS

1. The dischargers shall conduct site investigation and monitoring activities as needed to define the current local hydrogeologic conditions and the lateral and vertical extent of soil and groundwater pollution. Should monitoring results show evidence of pollutant migration, additional characterization of pollutant extent may be required.
2. The cleanup standards for source-area soils shall be health-based and protective of human health and the environment. A human health risk assessment shall be the basis for establishing soil cleanup standards, and shall follow EPA guidance. If levels higher than those set by health-based parameters for pollutants are proposed, the discharger must demonstrate that cleanup to lower levels is infeasible, that the alternate levels will not threaten the quality of waters of the State, and that human health and the environment are protected. If levels higher than those set by health-based parameters are proposed, physical and institutional controls shall be considered. If any pollutants are left in the soil, a program of continued groundwater monitoring may be required.
3. Final cleanup standards for polluted groundwater, onsite and offsite, shall be in accordance with State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California". Proposed final cleanup standards shall be based on a feasibility study of remedial alternatives that compare implementability, cost, effectiveness, time to achieve cleanup goals and an assessment of risk to determine affect on beneficial uses, human health and the environment. Assessment of human health risk shall follow EPA guidance. Cleanup standards shall also have the goal of reducing the mobility, toxicity, and volume of pollutants.
4. If groundwater extraction and treatment is considered as an alternative, the feasibility of water reuse, reinjection, and disposal to the sanitary sewer must be evaluated. Based on the Regional Board Resolution 88-160, the dischargers shall optimize, with a goal of 100%, the reclamation or reuse of groundwater extracted as a result of cleanup activities. The dischargers shall not be found in violation of the Order if documented factors beyond the discharger's control prevent the dischargers from attaining this goal, provided the dischargers have made a good faith effort to attain this goal by feasible and practicable means. If reuse or reinjection is part of a proposed alternative, an application for Waste Discharge Requirements may be required. If discharge to waters of the State is part of a proposed alternative, an application for an NPDES permit must be completed and submitted in a timely manner, and must include the evaluation of the feasibility of water reuse, reinjection, and disposal to the sanitary sewer.

C. PROVISIONS

1. The dischargers shall comply with the Prohibitions and Specifications above, in accordance with the following time schedule and tasks.

- a. TASK: PROPOSE INTERIM REMEDIAL MEASURES (HOT SPOT REMOVAL) FOR SOIL
DUE DATE: no later than March 1, 1994

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer proposing interim remedial measures for soil pollution. The proposal shall include at a minimum, proposed removal concentrations for all pollutants, a Sampling and Analysis Plan (SAP), Quality Assurance Project Plan (QAPP), a Site Health and Safety Plan, and a time schedule for implementation .

- b. TASK: IMPLEMENTATION REPORT FOR INTERIM REMEDIAL MEASURES (HOT SPOT REMOVAL) FOR SOIL
DUE DATE: no later than 60 days after completion of implementation of Task C.1.a.

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer documenting the implementation of the Interim Remedial Measure for Soil.

- c. TASK: WORKPLAN TO DEFINE LATERAL AND VERTICAL EXTENT OF SOIL POLLUTION
DUE DATE: no later than 90 days after completion of implementation of Task C.1.a.

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer containing a workplan for investigation capable of defining the lateral and vertical extent of soil pollution. The workplan shall include a schedule for implementation.

- d. TASK: SUBMIT RESULTS OF INVESTIGATION DEFINING LATERAL AND VERTICAL EXTENT OF SOIL POLLUTION, AND PROPOSE FINAL REMEDIAL ACTION PLAN
DUE DATE: no later than 60 days after completion of implementation of Task C.1.c.

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer containing the results of the soil investigation. The report shall also propose final remedial action plan (RAP) for soil pollution. The RAP shall contain at a minimum: proposed soil

cleanup levels for each of the pollutants, a rationale for selecting these levels and the feasibility of achieving them, as well as a schedule for implementation.

- e. TASK: PROPOSE WORKPLAN TO DEFINE LATERAL AND VERTICAL EXTENT OF GROUNDWATER POLLUTION
DUE DATE: no later than July 1, 1994

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer containing a workplan to determine lateral and vertical extent of groundwater pollution. The Workplan shall include a schedule for implementation.

- f. TASK: SUBMIT RESULTS OF GROUNDWATER INVESTIGATION (TASK C.1.c), PROPOSE GROUNDWATER MONITORING PROGRAM AND PROPOSE REMEDIAL MEASURES
DUE DATE: no later than 90 days after completion of implementation of Task C.1.c.

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer containing the results of the groundwater investigation and propose a groundwater monitoring program based on the results of the investigation. The report shall also propose remedial measures for groundwater.

2. The dischargers shall submit to the Regional Board acceptable reports on compliance with the requirements of this Order that contain descriptions and results of work and analyses performed. It is not the intent of the Board to duplicate any reports due, therefore any reports due concurrently may be combined. These reports are prescribed below:

- a. A program of groundwater monitoring shall be established based on the site investigation report proposal of task C.1.c. The dischargers shall submit reports to the Board on results of groundwater monitoring. Groundwater monitoring reports shall be submitted in accordance with the schedule proposed in Provision C.1.c. and approved by the Executive Officer. All compliance and monitoring reports shall include at least the following:
- 1) Cumulative tabulated results of water quality sampling analyses for all wells and groundwater pollution plume maps based on these results.
 - 2) A cumulative tabulation of all well construction details, water level measurements and updated piezometric maps based on these results.

- 3) Reference diagrams and maps including any updated geologic cross sections describing the hydrogeologic setting of the site, and appropriately scaled and detailed base maps showing the location of all monitoring wells and extraction wells, and identifying facilities and structures.
- b. The dischargers shall submit annual summary status reports on the progress of compliance with all requirements of this Order and propose modifications which could increase the effectiveness of final cleanup actions. The first report shall be due on January 31, 1994, and would cover the previous calendar year. The report shall include at least: progress on site investigation and remediation, operation and effectiveness of remediation actions and systems, and an evaluation of the feasibility of meeting groundwater and soil cleanup goals.
3. The dischargers may, by written request, seek modifications or revisions of this Order or any program or plan submitted pursuant to this Order at any time. This Order and any applicable program, plan, or schedule may be modified, terminated or revised by the Board.
4. If the dischargers may be delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the dischargers shall promptly notify the Executive Officer. If, for any reason, the dischargers are unable to perform any activity or submit any document within the time required under this Order, the dischargers may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due. The Board staff may propose an amendment to the Order and bring the matter to the Board for consideration.
5. All hydrogeological plans, specifications, technical reports and documents shall be signed by or stamped with the seal of a State registered geologist, registered civil engineer, or certified engineering geologist.
6. All samples shall be analyzed by State certified laboratories or laboratories accepted by the Executive Officer using approved EPA methods for the type of analysis to be performed. All laboratories or the consultant shall maintain quality assurance/quality control records for Board review for a period of six years.
7. The dischargers shall maintain in good working order, and operate in the normal standard of care, any facility or control system installed to achieve compliance with the requirements of this Order.

8. Copies of all correspondence, reports, and documents pertaining to compliance with the Prohibitions, Specifications, and Provisions of this Order shall be provided to the following agencies:
 - a. San Mateo County Health Department
 - b. City of East Palo Alto
 - c. Cal-EPA, Department of Toxic Substances Control
 - d. The Executive Officer may require additional copies be placed in a public repository
10. The dischargers shall permit, within the scope of each of their authorities, the Board or its authorized representative, in accordance with Section 13267 (c) of the California Water Code:
 - a. Entry upon dischargers' premises in which any pollution sources exist, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any monitoring equipment or methodology implemented in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
11. The dischargers shall file a report in a timely manner on any changes in site occupancy and ownership associated with the facility described in this Order.
12. If any hazardous substance is discharged in or on any waters of the State, or discharged and deposited where it is, or probably will be discharged in or on any waters of the State, the dischargers shall report such a discharge to this Board, at (510) 286-1255 on weekdays during office hours from 8 a.m. to 5 p.m., and to the Office of Emergency Services at (800) 852-7550 during non-office hours. A written report shall be filed with the Board within five (5) working days and shall contain information relative to: the nature of the waste or pollutant, quantity involved, duration of incident, cause of spill, Spill Prevention, Control and Countermeasure Plan in effect, if any, estimated size of affected area, nature of effects, corrective measures that have been taken or planned, and a schedule of these activities, and persons notified.
13. This Order is intended to be the primary regulating document by which cleanup of the BAW-OU shall proceed with the Board as lead agency.

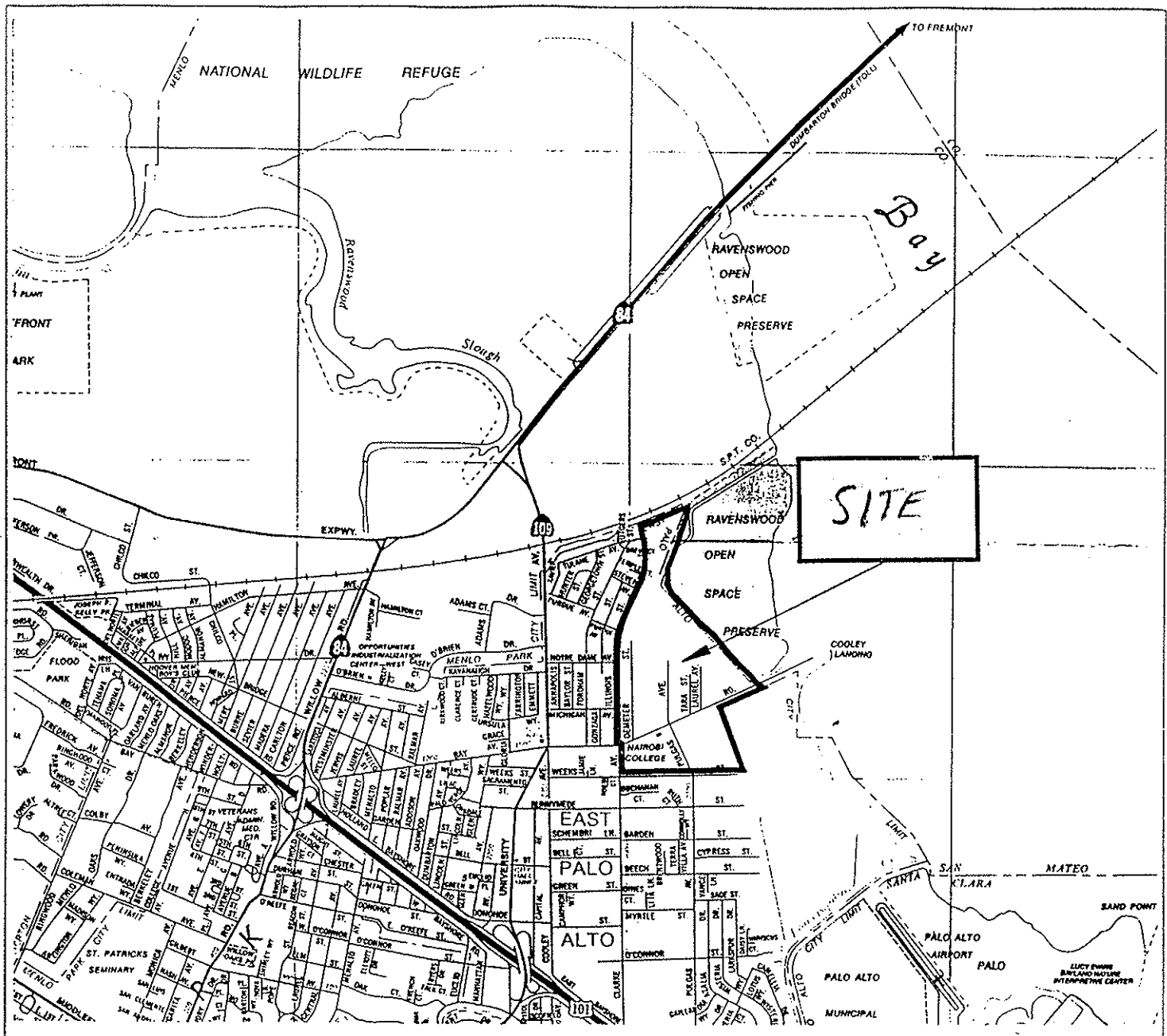
14. The Board will review this Order periodically and may revise the requirements when necessary.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 15, 1993.

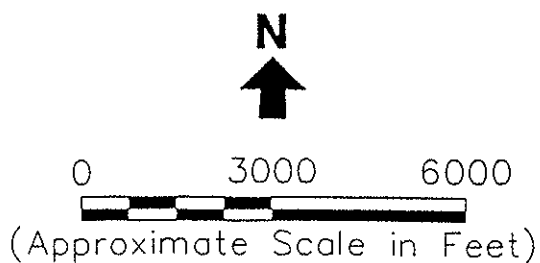


Steven R. Ritchie
Executive Officer

Figure 1, Site Location Map
Figure 2, BAW-OU Parcel Map



Source: California State Automobile Association (1991)



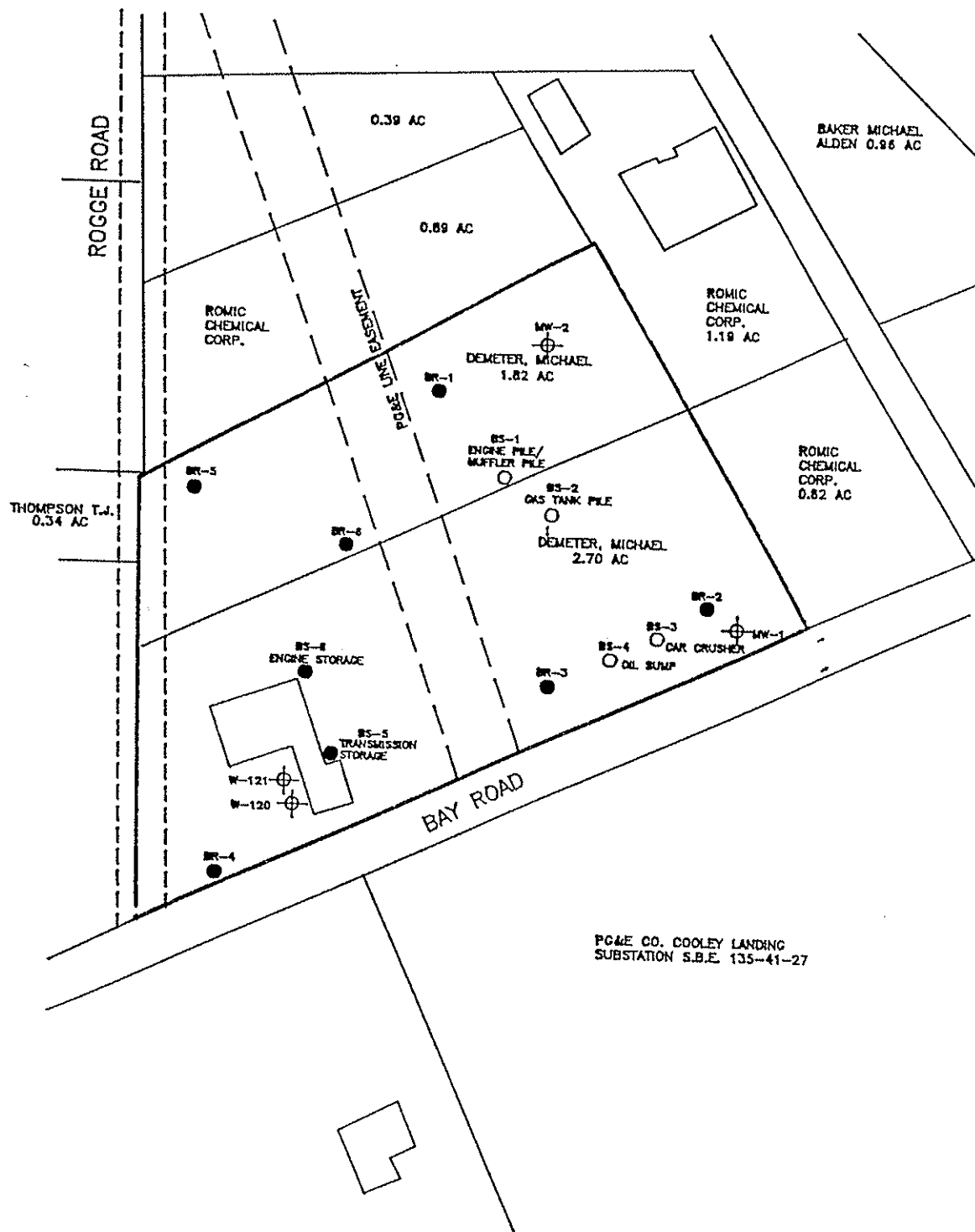
**Erler &
Kalinowski, Inc.**

Project Location Map

IDEA
East Palo Alto, CA
March 1993
EKI 920050.00
Figure 1

Notes:

1. All locations are approximate.



LEGEND

- W-121 RHONE-POLEVC MONITORING WELLS
- W-120 UPPER SHALLOW AQUIFER MONITORING WELLS (INSTALLED 1/20/82)
- BR-1 RANDOM SOIL SAMPLING LOCATIONS
- BS-1 SPECIFIC SOIL SAMPLING LOCATIONS
- BS-2 OIL SUMP

0 100
APPROXIMATE
SCALE IN FEET

DRN	PLS
DRN BY	PLS
REV BY	
DATE	DLP
SCALE	3/8/82
SCALE	AS SHOWN
ORD NO	18840001
PLU NO	P1884



SITE PLAN

2017 BAY ROAD
EAST PALO ALTO, CALIFORNIA

MITTELHAUSER
CORPORATION

DATE: 8/82

FIGURE 2

0